

holiday, the Secretary extends the comment period to January 2, 1991.

**DATES:** Comments must be received on or before January 2, 1991.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Ms. Carney M. McCullough, Chief, Pell Grant Policy Section, Division of Policy and Program Development, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (ROB-3, rm. 4318), Washington DC 20202-5346.

**FOR FURTHER INFORMATION CONTACT:** Jeffery R. Andrade, Program Specialist, Pell Grant Section, Division of Policy and Program Development, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., Washington DC 20202-5346. Telephone (202) 708-7888.

Dated: December 12, 1990.

**Leonard L. Haynes III,**

*Assistant Secretary, Office of Postsecondary Education.*

[FR Doc. 90-29511 Filed 12-17-90; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 300**

[FRL-3870-7]

#### **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the M&T DeLisa Landfill Site from the National Priorities List; Request for Comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II announces its intent to delete the M&T DeLisa Landfill site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the State have determined that CERCLA activities conducted at the Site to date have been protective of public health, welfare, and the environment.

**DATES:** Comments concerning the Site may be submitted on or before February 7, 1991.

**ADDRESSES:** Comments may be mailed to: Richard L. Caspe, P.E., Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 737, New York, New York 10278.

Comprehensive information on this site is available through the EPA Region II public docket, which is located at EPA's Region II office and is available for viewing, by appointment only, from 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. Request for appointments to view this information in the Regional public docket should be directed to: Mr. Lance R. Richman, P.G., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 13100, New York, New York 10278, (212) 264-6695.

Background information from the Regional public docket is also available for viewing at the Site's Administrative Record depository located at: Neptune Township Public Library, 25 Neptune Boulevard, Neptune Township, New Jersey.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lance R. Richman, P.G., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 13100, New York, New York 10278, (212) 264-6695.

#### **SUPPLEMENTARY INFORMATION:**

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### **I. Introduction**

The Environmental Protection Agency (EPA) Region II announces its intent to delete the Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the Site warrant such action.

The EPA will accept comments concerning this Site for thirty (30) days (or until February 7, 1991) after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

### **II. NPL Deletion Criteria**

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

### **III. Deletion Procedures**

The NCP provides that EPA shall not delete a site from the NPL until the state in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Site:

1. On September 20, 1990, EPA Region II executed a Record of Decision (ROD) which states that the Site should be addressed under the authorities designated to close and monitor solid

waste landfills. The State concurred with the ROD and indicated that they would address potential problems associated with solid waste disposal "for the Site pursuant to the New Jersey Solid Waste Management Act and the regulations promulgated pursuant thereto, once the Site has been de-listed from the National Priorities List (NPL)."

2. EPA Region II has subsequently recommended deletion and has prepared the relevant documents. The Region has also made all relevant documents available in the Regional office and local site information repository.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This local comment announces a thirty (30) day public comment period on the deletion package starting on January 7, 1991, and concluding on February 7, 1991.

The comments received during the comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary which will address the comments received during the public comment period.

The deletion process will be completed upon the EPA Region II Regional Administrator placing a notice in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region II.

#### IV. Basis for Intended Site Deletion

The Site is located in the southeastern corner of Monmouth County, northwest of the City of Asbury Park in Ocean Township, New Jersey. The 132-acre Site contains three major building complexes, the Seaview Square Mall complex (Mall), the Seaview Movie Theater complex, and the Acme Supermarket, each of which is surrounded by a paved parking area.

The landfill was in operation from 1941 until 1974 under a New Jersey Department of Environmental Protection (NJDEP) permit. There is no documented evidence which demonstrates that the landfill was used for the disposal of hazardous wastes. The landfill was closed in 1974 in accordance with NJDEP requirements of the time. After closure an investigation of the landfill area was undertaken by Woodward-Gardner and Associates, Inc., for the Goodman Company. Subsequently the Goodman Company constructed the Mall on 30 acres of the 39-acre former landfill for Equitable Real Estate

Investment Management, Inc., the present owner of the Mall property. The report recommended control measures to protect against the possible impact of gas and/or leachate generation from the landfill and described other measures that would be needed to provide a stable soil for the construction of the proposed buildings. These recommendations were incorporated into the design and construction of the Mall which was completed in 1977.

Subsequent to the listing of the Site on the NPL, on September 8, 1983, Fred C. Hart and Associates under contract by the owners of the Mall (the Equitable Life Assurance Society of the United States) conducted two environmental investigations, one in 1984 and more recently in 1988, both under EPA oversight. An endangerment assessment was completed by EPA in June of 1990 to determine the baseline risk (an evaluation of the potential threat to human health and the environment in the absence of any remedial action) due to the release of hazardous substances that may be attributable to the Site. Upon completion of these investigations, the following conclusions were reached.

- Groundwater quality in the local shallow Kirkwood aquifer immediately underlying the Site and in direct physical contact with landfill materials, does not appear to have been significantly impacted by hazardous substances. Due to the absence of any significant water quality degradation in the shallow Kirkwood aquifer, together with the laterally extensive presence of the Shark River Marl, which locally serves as a confining layer below the Kirkwood aquifer, groundwater quality in the deeper Vincentown aquifer is not anticipated to be at risk as a result of past disposal practices at the Site.

- No volatile organic compounds (VOCs) or pesticide/polychlorinated biphenyl (PCB) compounds were detected above laboratory method detection limits during either sampling round in groundwater samples from private potable wells. Only one semi-volatile compound, di-n-octylphthalate, was detected during the 1988 round of sampling, and it was below levels of concern. Several metals, including copper, lead, nickel, and zinc, were also present below Safe Drinking Water Act (SDWA) standards in potable water samples collected during the 1984 sampling effort.

- Surface water and sediment samples collected did not find any significant environmental quality degradation due to the presence of hazardous substances at the down-gradient surface water locations.

- Although landfill gas is being generated at the Site, and there is evidence of slightly elevated levels of VOC accumulation along the unventilated northern edge of the mall, the sampling and analysis of specific VOC target compounds, such as benzene, toluene, and xylene, did not indicate a definitive pattern of gas infiltration. Therefore, it was determined that the landfill is not the source of detectable levels of VOCs in the Mall. In addition, concentrations of VOCs in the Mall are not outside the range of VOC concentrations typically found in other public and private indoor spaces.

Upon the completion of remedial investigations and the endangerment assessment, it became evident that this Site should be handled under the authorities designated for closure and post-closure activities at solid waste landfills. Contaminants found at the Site are indicative of solid waste landfills. Unlike typical CERCLA sites, the landfill is not releasing significant concentrations of CERCLA hazardous substances.

Although remedial action under CERCLA is not warranted, EPA has recommended to the New Jersey Department of Environmental Protection's (NJDEP) Division of Solid Waste Management that a number of environmental controls be implemented and maintained at the Site to address potential problems associated with solid waste disposal. NJDEP's Division of Solid Waste Management regulates solid waste landfill activities in the State of New Jersey.

Dated: November 29, 1990.

**Constantine Sidamon-Eristoff,**

*Regional Administrator, USEPA, Region II.*

[FR Doc. 90-29549 Filed 12-17-90; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 32

[CC Docket No. 81-893, FCC 90-398]

### Common Carrier Services; Procedures for Implementing The Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry)

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; Tentative Decision on Remand.

**SUMMARY:** This action initiates proceedings in response to AT&T